

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH CLAYPOOL,

Defendant.

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8:16CR291

ORDER

This matter is before the court on the motion to continue by defendant Joseph Claypool (Claypool) (Filing No. 17). Claypool seeks a sixty-day continuance of the trial scheduled for November 28, 2016. Claypool has filed an affidavit agreeing to the motion and stating he understands the time needed for the motion will be excluded under the Speedy Trial Act (Filing No. 18). Claypool's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The motion to continue trial (Filing No. 17) is granted.
2. Trial of this matter is re-scheduled for **January 23, 2017**, before Judge Robert F. Rossiter, Jr., and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 23, 2016, and January 23, 2017**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 23rd day of November, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge